

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-0880V

Filed: January 19, 2018

UNPUBLISHED

VIRGINIA LARA,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Tetanus Diphtheria  
acellular Pertussis (Tdap) Vaccine;  
Shoulder Injury Related to Vaccine  
Administration (SIRVA)

*Shealene Priscilla Wasserman, Muller Brazil, LLP, Dresher, PA, for petitioner.*

*Ryan Daniel Pyles, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On June 28, 2017, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she received a tetanus-diphtheria-acellular pertussis vaccination on October 19, 2015 and suffered right shoulder injuries, including persistent, constant, sharp shoulder pain that radiated into her jaw, limited range of motion, and right arm weakness, as a result of the vaccination. Petition at ¶¶ 2, 4. Petitioner further alleges that she received the vaccination in the United States, suffered the effects of her injury for more than six months, and has not brought a civil action or received compensation for her injury, alleged as vaccine caused. Petition at ¶¶ 2, 17-

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

19. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 17, 2018, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent has determined that petitioner's alleged injury is consistent with shoulder injury related to vaccine administration (SIRVA). *Id.* at 4. Respondent further agrees that petitioner had no recent history of pain, inflammation, or dysfunction of her right shoulder, that the onset of pain occurred within 48 hours of the administration of the vaccine, the pain was limited to the shoulder where the vaccine was administered, no other condition or abnormality has been identified to explain petitioner's shoulder pain, and petitioner suffered the residual effects of her condition for more than six months. Therefore, respondent agrees that petitioner has satisfied all legal prerequisites to compensation under the Vaccine Act. *Id.*

**In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master